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In re application of

Ronald Gibson Gration et al.

Serial No. 09/355,169

Filed: August 30, 1999

For: PRINTED MATERIAL PRODUCING REFLECTIVE
INTAGLIO EFFECT

DECISION ON
PETITION

This is a response to the PETITION UNDER 37 C.F.R. § 1.181 TO WITHDRAW HOLDING OF ABANDONMENT, received September 11, 2003. The petition requests that the abandonment for failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance be withdrawn. The requester asserts that the Notice of Allowance mailed February 20, 2003 was not received at the applicant's correspondence address.

DECISION

The instant request is accepted as a timely petition under 37 C.F.R. 1.181 (no fee), and is evaluated under the procedures regarding an acceptable showing of non-receipt of an office action, TMOG 1156 O.G. 53, November 16, 1993, (see also MPEP 711.03(c) - NEW PROCEDURE TMOG 1170 O.G. 114). A review of the petitioner's evidence indicates that the request has merit. The evidence presented is sufficient to establish that the applicants or applicant's representative did not receive the Notice of Allowance, mailed February 20, 2003. The evidence provided includes a statement by the petitioner that the Notice of Allowance, mailed February 20, 2003 was not received, a statement that a search of the file and docket records was made, and a statement that the search revealed the Notice of Allowance was not received. Also provided is a copy of the attorney's application docket records where the Notice of Allowance would have been posted had it been timely received.

Therefore, the abandonment is hereby withdrawn, and the application is returned to pending status. The application shall be forwarded to the examiner for prompt remailing of the Notice of Allowance originally mailed February 20, 2003 and restarting of the statutory period of response from the remail date thereof. It is noted that a search of the USPTO financial records indicates that fees in the amount of \$1600.00 submitted with the instant petition have been credited to the instant application.

The Petition is **GRANTED**.

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